

ORIGINAL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

WAYNE A. NOEL,
Plaintiff,

Case Number: 1:CV-01-1049
Judge Caldwell

v.

COMMONWEALTH OF PENNSYLVANIA,
ADAMS COUNTY COURT,
CONEWAGO POLICE DEPARTMENT,
WILLIAM HARTLAUB,
Defendants.

FILED
HARRISBURG, PA

SEP 17 2001

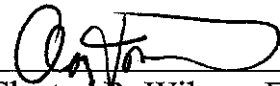
MARY E. D'ANDREA, CLERK
Per ate
Deputy Clerk

MOTION TO DISMISS DEFENDANTS
CONEWAGO POLICE DEPARTMENT AND WILLIAM HARTLAUB

Defendants Conewago Police Department and William Hartlaub, pursuant to Fed. R. Civ. P 12(b)(6) and Local Rules 7.1 and 7.5, moves the court for an order dismissing any and all claims brought by Wayne Noel, the plaintiff, against them and submits with their Motion an accompanying Memorandum and Proposed Order.

WHEREFORE, for the reasons set forth above and in their Memorandum in support of this Motion, defendants the Conewago Police Department and William Hartlaub respectfully request the court to enter an order dismissing the plaintiff's claims as to them.

Respectfully submitted,


Clayton R. Wilcox, Esquire
Wilcox & James
234 Baltimore Street
Gettysburg, PA 17325
Telephone: (717) 334-6474

Attorney for Defendants
Conewago Police Department and
William Hartlaub

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

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Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the Motion to Dismiss Defendants Conewago Police Department and William Hartlaub and Memorandum in Support of The Motion to Dismiss Defendants Conewago Police Department and William Hartlaub upon the following individuals and in the manner indicated below which service satisfies the requirements of F.R.C.P. No. 5:

Service by certified and first class mail, addressed as follows:

Mr. Wayne Noel
Adams County Prison
625 Biglerville Road
Gettysburg, PA 17325

Service by First Class Mail


Adams County Court of Common Pleas
c/o Court Administrator
111 Baltimore Street
Gettysburg, PA 17325

Office of the Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

Respectfully submitted,

WILCOX AND JAMES

Date: September 14, 2001


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I.D. 15322